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ONE FRANK H. OGAWA PLAZA • 6TH FLOOR • OAKLAND, CALIFORNIA 94612

Office of the City Attorney
John A. Russo
City Attorney

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September 18, 2007

HONORABLE CITY COUNCIL
Oakland, California

President De La Fuente and Members of the City Council

Subject: Resolution Authorizing Settlement of
Claim of Ralph Smith and Joan Smith
File Number: C25377

Pursuant to Section 401 of the Charter, the City Attorney has prepared and recommends settlement of the above-entitled claim for the sum of Sixty Thousand Dollars and No Cents (\$60,000.00), payable to Ralph Smith and Joan Smith, as a result of sewer flood damage to their property on December 18, 22 and 31, 2005, February 27, 2006, March 1, 2006 and April 12-13, 2006. The flooding was caused by a failed City sewer main. (Public Works Agency) This was not a closed session item.

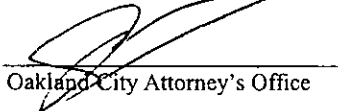
Respectfully submitted,

A handwritten signature in black ink, appearing to read 'John A. Russo', written over a horizontal line.

JOHN A. RUSSO
City Attorney

Approved as to Form and Legality:

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Oakland City Attorney's Office

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OAKLAND CITY COUNCIL

Resolution No. _____ C.M.S.

JAR: end

RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO COMPROMISE AND SETTLE THE CLAIM OF RALPH SMITH AND JOAN SMITH IN THE AMOUNT OF SIXTY THOUSAND DOLLARS AND NO CENTS (\$60,000.00), AS A RESULT OF PROPERTY DAMAGE SUSTAINED DUE TO REPEATED SEWER FLOODING CAUSED BY A FAILED CITY SEWER MAIN ON DECEMBER 18, 22 AND 31, 2005, FEBRUARY 27, 2006, MARCH 1, 2006 AND APRIL 12-13, 2006. (PUBLIC WORKS AGENCY)

RESOLVED: That the City Attorney is authorized and directed to compromise and settle the claim of Ralph Smith and Joan Smith, our file number C25377, for the sum of Sixty Thousand Dollars and No Cents (\$60,000.00), payable to Ralph Smith and Joan Smith.

FURTHER RESOLVED: That the City Attorney is further authorized and directed to take whatever steps may be necessary to effect said settlement; and be it

FURTHER RESOLVED: That the sum of Sixty Thousand Dollars and No Cents (\$60,000.00), be paid to Ralph Smith and Joan Smith.

In Council, Oakland, California, _____, 2007

PASSED BY THE FOLLOWING VOTE:

AYES- BROOKS, BRUNNER, KERNIGHAN, NADEL, QUAN, REID, AND
PRESIDENT DE LA FUENTE

NOES-

ABSENT-

ABSTENTION-

Attest: _____

LaTonda Simmons
CITY CLERK AND CLERK OF THE COUNCIL
OF THE CITY OF OAKLAND, CALIFORNIA